THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.1617 OF 2007

DATED: 07-06-2007

Between :
The Superintending Engineer, TL & SS circle,
APTRANSCO, Near 132 KV sub-station,
Hyderabad Road, Nalgonda,
Nalgonda District. .. Petitioner

And

Employees Provident Fund Organisation,
Regional Office, Barkatpura, Hyderabad.,
Rep. By its Regional Provident Fund
Commissioner (P.D.) .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.1617 OF 2007

ORDER :

This writ petition is filed challenging the order dated 24-8-2006 passed by the respondent-Regional Provident Fund Commissioner (PD) under Sections 7-Q and 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') whereunder the petitioner was directed to pay a sum of Rs.3,233/- towards penal interest and a sum of Rs.9,688/- towards damages for the period from May, 2002 to March, 2004 respectively.

Though various contentions have been raised on merits, the learned Standing Counsel appearing for the respondent at the outset raised an objection as to the maintainability of the writ petition contending that against the impugned order dated 24-8-2006 an alternative remedy is available by way of Appeal under Section 7-I of the Act.

Since an efficacious alternative remedy is available under the Statute, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy of appeal as available under law. If any such appeal is preferred within a period of four weeks from the date of receipt of this order, the same shall be entertained and pending such appeal, the impugned order dated 24-8-2006 shall not be given effect to provided that 50% of the amount, demanded under the impugned order dated 24-8-2006, is deposited

by the petitioner within four weeks from today.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 07-06-2007
gbs